

RESPONSE

U.S. Appln. No. 08/766,895

REMARKS

Claims 1-27 are all the claims pending in the application and stand rejected. Reconsideration and allowance of all pending claims are respectfully requested in view of the following remarks.

REOPENING OF PROSECUTION AFTER DECISION ON APPEAL.

In accordance with the provisions of 37 C.F.R. §1.198 and MPEP 1214.07, Applicant requests prosecution of this application be reopened. While the Board of Appeals and Patent Interferences ("the Board") was "convinced" with the Appellant's position in its Brief on Appeal, the Board sustained the Examiner's final rejection stating "Appellants have not presented arguments rebutting the examiner's second rationale¹ for finding of anticipation." (Decision of Appeal No. 2003-0206, pg. 8-9.). By the remarks below, Applicant presents such rebuttal arguments.

CLAIM REJECTIONS.**35 U.S.C. § 102**

Claims 1-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,442,474 to Huang et al. ("Huang"). Applicant respectfully traverses this rejection for the following reasons.

¹ The referenced "second rationale" was not present in the final rejection which was appealed by Applicant and was not presented until the Examiner's Answer.

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In the Examiner's Answer dated March 26, 2002, the Examiner alternatively² proposes that Huang's router bits A₀-D₀ read on pending claims 1-27. Applicant respectfully disagrees. Huang discloses routing bits for each data packet A, B, C, D, designated by subscript *o*. (Col. 3, ll. 56-57). These routing bits are used for de-multiplexing (separating into different channels) an N-channel optical signal consisting of multiplexed routing bits and data bits. (Col. 1, ll. 47-49; col. 6, ll. 23-24). The multiplexed optical data signal includes header bits H1 and H2 and two routing bits for each data channel where the routing bits represent a binary number (i.e., a logic state of 1 or 0). (Col. 6, ll. 41-49). There is no teaching or suggestion by Huang that routing bits A₀-D₀ are ever encoded in any manner.

By way of contrast, Applicant's claim 1 recites in part, a method where binary digital signals are encoded to include a bit pattern selected so that it directly provides information regarding routing the packet through the network in its encoded form.

This feature of Applicant's claim 1 is not taught or suggested by Huang or any prior art of record. Independent claims 10, 17, 22 and 25 include similar limitations and are thus not anticipated for at least the same reason.

Furthermore, since Huang is entirely silent on encoding or decoding either header or routing bits whatsoever, Huang cannot possibly teach or suggest the additional feature of claims 1 and 10 of copying the bit pattern, at least for decoding.

The Examiner alleges that decoding is not needed for the Huang router bits. (Examiner's Answer, pg. 4). This is likely due to the fact that router bits A₀-D₀ are never encoded in the first place. In contrast, every one of Applicant's claims recites encoded binary digital signals. Respectfully, this feature has been conveniently overlooked in the prior art rejections of record. For an improved understanding of an encoded binary digital signal vs. a decoded binary digital

² The main thrust of the examiner's previous position that the Huang header bits read Applicant's claims was discredited by the Board.

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signal, Applicant directs the Examiner to the non-limiting example disclosed at page 10, ll. 15-23 of the instant specification.

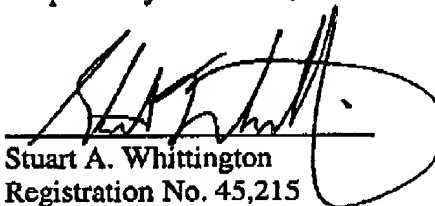
Since Huang does not teach or suggest encoding/decoding limitations of the pending claims, Applicant's claims 1-27 cannot be anticipated or rendered obvious by Huang. In view of these facts, reconsideration and withdrawal of the §102(b) rejection are respectfully requested.

Should the Examiner disagree with Applicant's position, the Examiner is kindly requested to identify with particularity the text portions of Huang which disclose encoding and/or decoding of binary digital signals as recited in the pending claims.

CONCLUSION.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee or deficiency thereof, except for the Issue Fee, is to be charged to Deposit Account # 50-0221.

Respectfully submitted,



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Date: June 17, 2004